



August 12, 2010

Philip Giudice, Commissioner
Department of Energy Resources
100 Cambridge Street, 10th floor
Boston, MA 02114

Dear Commissioner Giudice,

The Natural Resources Defense Council submits the following comments on the Department of Energy Resources rulemaking on biomass sustainability, as articulated in the recent letter of Secretary Bowles, dated July 7, 2010. On behalf of our members in the Commonwealth of Massachusetts, we appreciate the opportunity to comment on this critical issue. In this letter, we limit our comments to the issue of sustainable harvest of biomass material (Item #3 in the Bowles letter).

In his letter, Secretary Bowles states:

“Forest wood used as fuel should be harvested consistent with Chapter 132 of the General Laws and associated regulations, and in compliance with a forest management plan prepared by a licensed forester.” (Bowles Letter, page 3.)

It is critical that forest harvest standards for RPS-eligible fuels meet and exceed the forest practice rules of the Commonwealth. Practices consistent with Massachusetts regulations are necessary - but not sufficient - to ensure that the biomass fuel truly meets the performance bar of sustainability.


In the federal context, existing law articulates a set of standards and definitions for renewable biomass, which can serve as a model for the efforts underway in your Department. Specifically, the Energy Independence and Security Act of 2007 establishes a definition for “renewable biomass” that excludes wood from the harvest of old growth forests, late-successional forests, converted forests, and certain ecological communities in the State Natural Heritage Program. (Energy Independence and Security Act of 2007, PL 110-140, Title II, Subtitle A, Section 201.)

We believe that these exclusions represent a floor – a minimum standard of protection – for any renewable biomass definition. The best standard for the purposes of the Massachusetts regulation is the standard established by the Forest Stewardship Council (FSC). FSC-certified management plans provide a high degree of certainty that the

biomass materials harvested for use as a fuel will truly be sustainable, as contemplated in the letter of Secretary Bowles.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sami Yassa", is placed over a light yellow rectangular background.

Sami Yassa
Senior Scientist

cc: Secretary Ian A. Bowles